

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Application No.: 10/773,792

Confirmation No.: 8458

Filed: February 6, 2004

Art Unit: 1645

For: LISTERIA ATTENUATED FOR ENTRY INTO  
NON-PHAGOCYTIC CELLS, VACCINES  
COMPRISING THE LISTERIA, AND  
METHODS OF USE THEREOF

Examiner: J. Graser

**RESPONSE TO OFFICE ACTION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed May 4, 2009 (Paper No. 20090428, hereinafter “the Office Action”), please amend the above-identified application and consider the remarks as follows.

**Amendments** to the Claims begin on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper

**Petition for Extension of Time:**

Applicant hereby petitions for an extension of time to extend the period for reply to October 5, 2009, as October 4, 2009, is a Sunday. The requisite fee accompanies this petition and response.

**CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below.

Name of Person Mailing	Kristen Lemme		
Signature	/Kristen Lemme/	Date	05 Oct 2009